

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JASON SHADLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 16-cv-00203-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Jason Shadle's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The United States of America filed a Response (Doc. 9) and requested a hearing on the issue of whether Petitioner timely requested that his attorney pursue an appeal.

The Court believes an evidentiary hearing would expedite the resolution of Petitioner's pending § 2255 motion and accordingly, finds that the interests of justice require that Shadle be represented by counsel at the hearing. The Court further finds that he is unable to afford counsel and accordingly, the Court hereby **ORDERS** that, pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings and 18 U.S.C. § 3006A, a CJA attorney is **APPOINTED** to represent Shadle for the purposes of this hearing only.

Should it become apparent after the hearing that further briefing on Shadle's § 2255 motion is necessary, the Court will enter an appropriate order at that time. The Court further **DIRECTS** the **Clerk of Court** to send a copy of this order to the Public Defender's Officer for the Southern District of Illinois, and to add the CJA attorney, once identified, as an attorney of record for Petitioner Shadle in this matter and the underlying criminal case and to further allow the CJA

attorney access to sealed documents in that case.

The Government's Request for a Hearing is **GRANTED**. This matter is set for hearing on the sole issue of whether Petitioner timely requested that his attorney pursue an appeal on **August 9th, 2016, at 9:30 a.m.** before the undersigned in Benton, Illinois. Petitioner to appear via video conferencing.

IT IS SO ORDERED.

DATED: 6/16/2016

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE